

## CURT FLOOD ACT OF 1998

• Mr. WELLSTONE. Mr. President, late last night, the Senate passed by unanimous consent S. 53. I have been contacted by the Attorney General of my State, Hubert H. Humphrey III, and asked to try to clarify a technical legal point about the effect of this legislation. The State of Minnesota, through the office of Attorney General, and the Minnesota Twins are currently involved in an antitrust-related investigation. It is my understanding that S. 53 will have no impact on this investigation or any litigation arising out of the investigation.

Mr. HATCH. That is correct. The bill simply makes it clear that major league baseball players have the same rights under the antitrust laws as do other professional athletes. The bill does not change current law in any other context or with respect to any other person or entity.

Mr. WELLSTONE. Thank you for that clarification. I also note that several lower courts have recently found that baseball currently enjoys only a narrow exemption from antitrust laws and that this exemption applies only to the reserve system. For example, the Florida Supreme Court in *Butterworth v. National League*, 644 So.2d 1021 (Fla. 1994), the U.S. District Court in *Pennsylvania v. Piazza v. Major League Baseball*, 831 F. Supp. 420 (E.D. Pa. 1993) and a Minnesota State court in a case involving the Twins have all held the baseball exemption from antitrust laws is now limited only to the reserve system. It is my understanding that S. 53 will have no effect on the courts' ultimate resolution of the scope of the antitrust exemption on matters beyond those related to owner-player relations at the major league level.

Mr. HATCH. That is correct. S. 53 is intended to have no effect other than to clarify the status of major league players under the antitrust laws. With regard to all other context or other persons or entities, the law will be the same after passage of the Act as it is today.

Mr. LEAHY. I concur with the statement of the Chairman of the Committee. The bill affects no pending or decided cases except to the extent that courts have exempted major league baseball clubs from the antitrust laws in their dealings with major league players. In fact, Section 3 of the legislation makes clear that the law is unchanged with regard to issues such as relocation. The bill has no impact on the recent decisions in federal and state courts in Florida, Pennsylvania and Minnesota concerning baseball's status under the antitrust laws.

Mr. WELLSTONE. I thank the Senator. I call to my colleagues attention the decision in *Minnesota Twins v. State by Humphrey*, No. 62-CX-98-568 (Minn. dist. Court, 2d Judicial dist., Ramsey County April 20, 1998) reprinted in 1998-1 Trade Cases (CCH) ¶72,136.●

## BLONDIE LABOUISSIE, 1915-1998

• Ms. LANDRIEU. Mr. President, I note with sadness the passing of a leading citizen of my hometown, New Orleans, Louisiana. Carolyn Gay Labouisse, a community leader and civic activist for many decades, died this past weekend at the age of 83. She was the daughter of Edward James Gay, a Senator from Louisiana from 1918 until 1921.

Known to everyone as "Blondie," she was the classic Southern woman who, when she saw something lacking in the community, would immediately step forward, roll up her sleeves, and set about making things right. For example, when she saw that New Orleans had an inadequate, out-of-date library facility, she immediately began to spearhead efforts to build a new, modern Main Library. She also worked to develop and expand public affairs programming at our local public television station (WYES). She was an active participant in several task force committees dealing with education in New Orleans.

Blondie was dedicated to progressive politics. In the 1940's and 1950's, she was part of a circle of young people in New Orleans who fought hard to eliminate corruption from politics and to make state and local government more responsive to the needs of its citizens. She campaigned to elect reform candidates as governor of Louisiana and mayor of New Orleans. She was one of the founding members of the Independent Women's Organization, which is a leading reform organization in New Orleans.

She received the 1991 Times-Picayune Loving Cup, the single most prestigious award given annually in New Orleans for community service. The selection committee, in recommending her, noted that "few show more care and compassion for community and fellow man."

I extend my sympathies to her family. Blondie Labouisse meant a great deal to the people of New Orleans. She will be missed.●

RETIREMENT OF GENERAL  
RICHARD I. NEAL

• Mr. LEAHY. Mr. President, I rise today to honor a fine Marine Officer, General Butch Neal, the Assistant Commandant of the Marine Corps, who will soon retire from active duty.

General Neal's long and distinguished career began more than thirty years ago following his graduation from Northeastern University when he was commissioned a Second Lieutenant in the United States Marine Corps. Following the completion of The Basic School at Quantico, Butch was trained as an artillery officer and was assigned to duty in the Republic of Vietnam where he served tours as a Forward Observer and as an Advisor to the Vietnamese Marine Corps.

While serving in Vietnam, he was wounded and received the Purple

Heart. He was also awarded the Silver Star Medal on two occasions for his heroism as well as the Bronze Star Medal with Combat "V" device.

General Neal distinguished himself over the years as one of the Marine Corps' finest commanding officers. Whether as a battery commander, artillery battalion commander, Deputy Marine Expeditionary Force Commander or Commanding General of the 2nd Marine Division, his reputation as an uncommonly gifted leader of Marines has grown with each billet he held. In the joint arena, he served with distinction as the Commanding General, Joint Task Force for Operation GITMO, the humanitarian relief effort for Haitian immigrants in Cuba and as the Deputy Commander in Chief/Chief of Staff for U.S. Central Command.

Day after day, year after year he demonstrated the rare quality of balancing difficult and often dangerous responsibilities with a keen concern for the welfare of his Marines. Butch has been a superb staff officer. Most Americans remember him from his no-nonsense daily briefings during the Persian Gulf War, but he also distinguished himself in personnel management as well as in operational planning.

This unique combination of leadership and administrative skills carried him to the very highest levels of the Marine Corps. His impeccable character and strong moral fiber make him a leader among the very best of our nation's military commanders. Yet what stands out most to me when I think of this fine officer is his simplicity and unassuming nature.

Despite all the accolades and all the honors, he remains a simple man from Massachusetts. I got to know him and his wife Kathy because they attend the same church as my wife Marcelle and I. He is a hard working New Englander who with love of God, country and Corps dedicated a lifetime in service to our nation. Too often we do not thank the Butch Neals of the world, those who choose a lifetime of service and sacrifice so that the rest of us can live safe and free.

Butch, we are grateful for the service you have rendered as a Marine, as well as the sacrifices made by both you and your family. I wish Butch, his wife Kathy and their children Andrew, Amy and Erin much health and happiness in the years ahead. Our country is better for the many contributions he has given us.●

## PAUL O'DWYER

• Mr. DODD. Mr. President, I rise today to pay tribute to one of the most passionate and committed political leaders that this country has ever known: Paul O'Dwyer of New York City. Sadly, Mr. O'Dwyer recently died, one day before his 91st birthday.

A former New York City Council President, Paul O'Dwyer was the soul of political activism in New York for a half-century.

Author Frank McCourt mourned him as "one of the pure souls" who "developed convictions early in life and never wavered." And not only did Paul O'Dwyer hold deep convictions, he also acted on them. Mr. O'Dwyer once said, "Politics is the only machinery around on which you can really straighten things out." And hardly a day went by, where Paul O'Dwyer didn't work to "straighten things out" for the people of our country and our world who were most in need.

He was the quintessential champion of the underdog, and his thick white mane of hair became the symbol of most every significant social movement in New York during the past 50 years.

The causes he championed were as diverse as the people and places of our great nation, but at the soul of each of his endeavors was the pursuit of social justice.

He immigrated to the United States from Ireland when he was 17, and he worked his entire adult life for a united Ireland. He was the national coordinator for the American League for an Undivided Ireland. He worked very closely with Gerry Adams and fought for his historic trip to the United States so he could plead his case for peace and understanding in his homeland. And he insisted on meeting with Protestant leaders who visited our shores.

He fought diligently for the creation of the State of Israel. As chairman of the Lawyer's Committee for Justice in Palestine, he pleaded at the United Nations in the late 1940s for Israeli sovereignty.

He was deeply committed to ending segregation in our country. He successfully litigated a critical desegregation suit in 1951, which opened the way for blacks to live in Stuyvesant Town, a large Manhattan housing complex. He also went to the Deep South to register African-American voters, campaign for black candidates, and provide legal assistance.

He successfully argued before the Supreme Court for the right of mainland Puerto Ricans to take their voter literacy test in Spanish.

His constant support of minority causes helped deny him a mainstream role in American politics. In all his efforts to win elective public office, he succeeded just twice, once as Manhattan's councilman at large and the other time as New York City Council President. He also won the Democratic nomination for U.S. Senator in 1968, but lost the general election to Senator Jacob Javits. But Paul O'Dwyer didn't enter politics to win elections, he did so because he saw injustice in this country, and he was determined to eradicate it.

In the end, Paul O'Dwyer may have lost more elections than he won, but his leadership was not based on titles. It was built on principles.

Perhaps that is why few individuals have ever earned the level of respect and admiration that Paul O'Dwyer re-

ceived from both his colleagues and his adversaries.

Paul O'Dwyer was truly one of a kind, and he will be dearly missed for his leadership and more importantly for his friendship. ●

### S. 53—THE CURT FLOOD ACT OF 1998

The text of S. 53, the Curt Flood Act of 1998, as passed by the Senate on July 30, 1998, is as follows:

S. 53

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Curt Flood Act of 1998".

#### SEC. 2. PURPOSE.

It is the purpose of this legislation to state that major league baseball players are covered under the antitrust laws (i.e., that major league baseball players will have the same rights under the antitrust laws as do other professional athletes, e.g., football and basketball players), along with a provision that makes it clear that the passage of this Act does not change the application of the antitrust laws in any other context or with respect to any other person or entity.

#### SEC. 3. APPLICATION OF THE ANTITRUST LAWS TO PROFESSIONAL MAJOR LEAGUE BASEBALL.

The Clayton Act (15 U.S.C. §12 et seq.) is amended by adding at the end the following new section:

"SEC. 27. (a) Subject to subsections (b) through (d), the conduct, acts, practices, or agreements of persons in the business of organized professional major league baseball directly relating to or affecting employment of major league baseball players to play baseball at the major league level are subject to the antitrust laws to the same extent such conduct, acts, practices, or agreements would be subject to the antitrust laws if engaged in by persons in any other professional sports business affecting interstate commerce.

"(b) No court shall rely on the enactment of this section as a basis for changing the application of the antitrust laws to any conduct, acts, practices, or agreements other than those set forth in subsection (a). This section does not create, permit or imply a cause of action by which to challenge under the antitrust laws, or otherwise apply the antitrust laws to, any conduct, acts, practices, or agreements that do not directly relate to or affect employment of major league baseball players to play baseball at the major league level, including but not limited to—

"(1) any conduct, acts, practices, or agreements of persons engaging in, conducting or participating in the business of organized professional baseball relating to or affecting employment to play baseball at the minor league level, any organized professional baseball amateur or first-year player draft, or any reserve clause as applied to minor league players;

"(2) the agreement between organized professional major league baseball teams and the teams of the National Association of Professional Baseball Leagues, commonly known as the 'Professional Baseball Agreement', the relationship between organized professional major league baseball and organized professional minor league baseball, or any other matter relating to organized professional baseball's minor leagues;

"(3) any conduct, acts, practices, or agreements of persons engaging in, conducting or

participating in the business of organized professional baseball relating to or affecting franchise expansion, location or relocation, franchise ownership issues, including ownership transfers, the relationship between the Office of the Commissioner and franchise owners, the marketing or sales of the entertainment product of organized professional baseball and the licensing of intellectual property rights owned or held by organized professional baseball teams individually or collectively;

"(4) any conduct, acts, practices, or agreements protected by Public Law 87-331 (15 U.S.C. §1291 et seq.) (commonly known as the 'Sports Broadcasting Act of 1961');

"(5) the relationship between persons in the business of organized professional baseball and umpires or other individuals who are employed in the business of organized professional baseball by such persons; or

"(6) any conduct, acts, practices, or agreements of persons not in the business of organized professional major league baseball.

"(c) Only a major league baseball player has standing to sue under this section. For the purposes of this section, a major league baseball player is—

"(1) a person who is a party to a major league player's contract, or is playing baseball at the major league level; or

"(2) a person who was a party to a major league player's contract or playing baseball at the major league level at the time of the injury that is the subject of the complaint; or

"(3) a person who has been a party to a major league player's contract or who has played baseball at the major league level, and who claims he has been injured in his efforts to secure a subsequent major league player's contract by an alleged violation of the antitrust laws: *Provided however*, That for the purposes of this paragraph, the alleged antitrust violation shall not include any conduct, acts, practices, or agreements of persons in the business of organized professional baseball relating to or affecting employment to play baseball at the minor league level, including any organized professional baseball amateur or first-year player draft, or any reserve clause as applied to minor league players; or

"(4) a person who was a party to a major league player's contract or who was playing baseball at the major league level at the conclusion of the last full championship season immediately preceding the expiration of the last collective bargaining agreement between persons in the business of organized professional major league baseball and the exclusive collective bargaining representative of major league baseball players.

"(d)(1) As used in this section, 'person' means any entity, including an individual, partnership, corporation, trust or unincorporated association or any combination or association thereof. As used in this section, the National Association of Professional Baseball Leagues, its member leagues and the clubs of those leagues, are not 'in the business of organized professional major league baseball'.

"(2) In cases involving conduct, acts, practices, or agreements that directly relate to or affect both employment of major league baseball players to play baseball at the major league level and also relate to or affect any other aspect of organized professional baseball, including but not limited to employment to play baseball at the minor league level and the other areas set forth in subsection (b) above, only those components, portions or aspects of such conduct, acts, practices, or agreements that directly relate to or affect employment of major league players to play baseball at the major league level may be challenged under subsection (a)